

ORIGINAL
 IN THE UNITED STATES DISTRICT COURT
 FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE WARREN,
 Plaintiff

v.

WILLIAM WARD; GARY R. LUCHT;
 BARBARA DESCHER; RICHARD KIPP;
 BEJAMIN MARTINEZ; NICHOLAS
 MULLER; SEAN R. RYAN and
 MICHAEL WEBSTER,
 Defendants

No. 1:00-CV-1384

(Judge Rambo)
 (M.J. Smyser)

FILED
HARRISBURG

NOV 1 2000

MARY E. D'ANDREA, CLERK
 Per
 DEPUTY CLERK

DEFENDANTS' ANSWER TO THE COMPLAINT

Defendants William Ward, Gary Lucht, Barbara Descher, Richard Kipp, Benjamin Martinez, Nicholas Muller, Sean Ryan and Michael Webster, by their attorneys, hereby respond to the allegations in the above-captioned complaint as follows:

FIRST DEFENSE

1. The statement in this paragraph is descriptive only and, as such, requires NO RESPONSE.
2. The statements in this paragraph purport to describe the jurisdiction of this court and, as such, require NO RESPONSE.
3. The statements in this paragraph constitute a LEGAL CONCLUSION which requires NO RESPONSE. If deemed factual, they are DENIED.
4. ADMITTED.
5. ADMITTED only as to the identity of the individuals named as defendants in this lawsuit. The remaining statements in this paragraph are denied. Specifically, it is denied that the requirement of unanimity supports plaintiff's claim that he has been subject to racial

discrimination.

6-7. The statements in these paragraphs constitute LEGAL CONCLUSIONS which require NO RESPONSE. If deemed factual, they are DENIED.

8. ADMITTED that plaintiff is a participant in the Sex Offenders Program at SCI-Rockview, has been interviewed by members of the Parole Board and has been denied parole. ADMITTED that a number of black SCI-Rockview inmates who are sex offenders have been paroled since 1996. Each and every remaining statement in this paragraph is DENIED and strict proof thereof is demanded.

9. ADMITTED that since 1996, a number of white inmates at SCI-Rockview who are sex offenders were paroled. The defendants are without knowledge or information as to the identity of those white inmates who were paroled; therefore they are unable to respond to the remaining statement in this paragraph at this time.

10. DENIED that plaintiff was denied parole under the same circumstances that white sex offenders at SCI-Rockview were granted parole. The defendants are without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining statements in this paragraph; therefore, they are all DENIED and strict proof thereof is demanded.

11. DENIED that the Parole Board has unfettered discretion in granting parole and that it has abused its discretion in decisions related to plaintiff and other black inmates. The remaining statement in this paragraph is a LEGAL CONCLUSION which requires NO RESPONSE.

12. DENIED that plaintiff has presented evidence of discrimination against him and other black inmates by the Parole Board.

13. DENIED that plaintiff is entitled to any relief.

SECOND DEFENSE

14. The complaint fails to state a claim upon which relief can be granted.

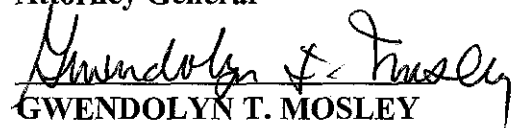
THIRD DEFENSE

15. The defendants have not discriminated against plaintiff because he is black or for any other reason.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General

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SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

COUNSEL FOR DEFENDANTS

Dated: November 1, 2000

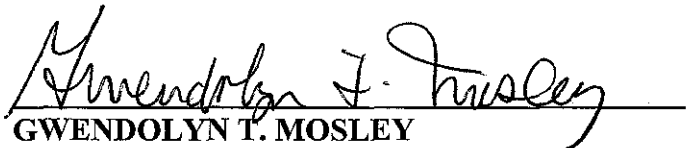
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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CLARENCE WARREN,	:	
Plaintiff	:	
	:	No. 1:00-CV-1384
v.	:	
	:	
WILLIAM WARD; GARY R. LUCHT;	:	(Judge Rambo)
BARBARA DESCHER; RICHARD KIPP;	:	(M.J. Smyser)
BEJAMIN MARTINEZ; NICHOLAS	:	
MULLER; SEAN R. RYAN and	:	
MICHAEL WEBSTER,	:	
Defendants	:	

CERTIFICATE OF SERVICE

I, GWENDOLYN T. MOSLEY, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on **November 1, 2000**, I caused to be served a true and correct copy of the foregoing document **Defendants' Answer to the Complaint** by depositing it in the United States mail, first-class postage prepaid to the following:

Clarence Warren, AY-9619
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


GWENDOLYN T. MOSLEY
Senior Deputy Attorney General